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International Court of Justice

H0929 – 0001

H0929 – 0002

THE INTERNATIONAL MILITARY TRIBUNAL
Office of the General Secretary

MEMORANDUM

TO: Miss Daniels

292.

I am sure that
certain corrections
made in my office
are not incorporated
in this transcript
Can you send me the
original? Airey.

A.M.S. NEAVE
Lt. Col., AAG

Date 15 June.

was also included in the Military Information Service. I am of the opinion that the prosecution only understands three of the RSHA under SD. I base this information on the opening speech of the Prosecution on page 1696 of the German record.

COLONEL NEAVE: Have you a copy of Colonel Griffith-Jones's reply to that? I sent it to you the other day and I think that will answer your question on the subject.

DR. GAWLICK: Yes I have that, but it dies not answer the question which offices are considered a part of the SD.

COLONEL JONES: I object, as this is not the place or time to raise a question like this. Insofar as the SD is concerned, the indictment is perfectly clear and defense counsel can take it that the whole of the SD is included in the organization that the Tribunal is trying.

DR. GAWLICK: I only wanted to know if I had to consider office 6 in my examination.

COLONEL NEAVE: Is Office 6 part of the SD?

DR. GAWLICK: It was the foreign part.

COLONEL NEAVE: If that is so, it is included.

BY DR. GAWLICK:

Q. On 20 November 1945 you made an affidavit concerning the Gleiwitz radio station. Is this true?

A. Yes.

Q. This is Document PS 2751. In this statement you said that you carried out the attack on the Gleiwitz radio station?

A. Yes.

Q. Did you ever beling to the SD Office 3 RSHA?

A. No.

Q. Where were you employed during the months of August and September in 1939?

A. In Office 6 of the RSHA.

Q. What was the field work in this office?

A. That differs according to the time.

Q. During the months of August and September in 1939.

A. In August and September 1939, I was busy building up up an information service for economical and political work in the Balkan area.

Q. What rank did you hold?

A. Sturmbannfuehrer.

Q. Do you know of the tasks of Office 3 of the RSHA?

A. No.

Q. Were the border incidents which occured in August of 1939 part of the aims and tasks of Office 3 of the RSHA?

A. No.

COLONEL BROOKHART: I object to that question. The records show that this witness is qualified to speak for Office 3.

DR. GAWLICK: The witness is to show that the political incidents were not the task of Office 3.

COLONEL NEAVE: The prosecution is objecting because the witness is not qualified to show that he did not know enough about it. Why is the witness qualified to answer that question?

Dr. Gawlick: Because the witness was employed in the RSHA.

COLONEL NEAVE: Would that qualify him to answer the question regarding Amp.3?

DR. GAWLICK: The witness is qualified to answer the question whether the SD Office 3 of the RSHA committed the crimes against the peace. This is the only question which the witness is to answer.

COLONEL NEAVE: Go ahead, we will see if he is qualified.

BY DR. GAWLICK:

Q. Please explain your answer.

A. The aims and tasks of Office 3 were to gather information. No executive or other action was connected with these aims.

Q. Do you know the aims and tasks of Office 6 of the Foreign Service?

A. Of course -- exactly.

Q. Were the border incidents in August 1939, the aims and tasks of Office 6 of the RSHA?

A. No.

Q. Why not?

A. Because the aims and tasks of Office 6 were the gathering of information for political and information circles. There was no department for undertaking such an enterprize as that of August 1939, besides this incident took place in Germany, not abroad.

COLONEL NEAVE: Your question was whether Amp 6 was connected with the border incident.

DR. GAWLICK: The question first referred to the aims and tasks of the office.

COLONEL NEAVE: Go ahead.

DR. GAWLICK: Was execution part of the task of offices 3, 6 and 7?

COLONEL NEAVE: By execution do you mean in connection with the Gleiwitz radio station.

DR. GAWLICK: Yes.

COLONEL NEAVE: Alright.

BY DR. GAWLICK:

Q. Was execution part of the task of these offices?

A. As far as I know in the whole RSHA no department in its aims concerned itself with the execution of such measures.

COLONEL NEAVE: Do you mean in this particular incident or other incidents?

THE WITNESS: I should like to speak of incidents of this kind as a whole and say there was no department for such incidents in the RSHA.

COLONEL NEAVE: You wish to say there was no office directed to carry out such incidents as Gleiwitz?

THE WITNESS: Yes.

COLONEL BROOKHART: This witness has been listed to give testimony on the Gleiwtiz incident.

COLONEL NEAVE. That is what I am trying to get at. I am trying to get the witness to the Gleiwtiz broadcasting incident. It is understood that this witness is going to tell us about a particular incident - the incident of the Gleiwtiz broadcasting station.

DR. GAWLICK: It is not permissable for a witness to tell us what he did and what he knew. He can only tell us the aims and tasks of the organization.

COLONEL NEAVE: I know that. Did you supply this witness to furnish us with information relative to the Gleiwtiz radio incident? Have you a copy of the application?

DR. GAWLICK: Not at the moment.

COLONEL NEAVE: As I understood the application, you applied for this witness to describe the Gleiwtiz Broadcasting station incident and its connection with the SD.

DR. GAWLICK: The first question which I have discussed is whether this incident was among the aims and tasks of the SD and the second question will be whether the SD was used in this incident.

COLONEL NEAVE: In connection with this particular incident, we are only concerned with this particular incident.

DR. GAWLICK: Yes.

COLONEL NEAVE: We were talking about the aims and activities in a more general sense that it appears to be necessary in this particular incident.

DR. GAWLICK: This border incident is so much outside the aims and tasks of the SD than any employee of Offices 3 or 6 can answer this question.

COLONEL NEAVE: Go ahead.

BY DR. GAWLICK:

Q. Were the SD Offices 3 of the RSHA, Office 6 of the RSHA or Office 7 of the RSHA parts of the organization employed in the Gleiwtiz border incident?

A. There were several operations which were more or less parallel with each other. I can give precise information only about the Gleiwtiz broadcasting station because I carried it out.

Q My questionapplies only to the execution of the border incident at Gleiwitz.

Q In my affidavit, whichis the subject of the proceedings today, of November 1945, I said that I was charged with this task by Himmler personally

Q Please just answer my question, I will come to the rest later.

A Please repeat the question.

Q Was the SD office of the RSHA or the 6th office of the RSHA or the 7th office of the RSHA all parts of these organizations employed in the border incident at Gleiwitz?

A No, in this connection there could be no question of organizations or parts of organizations.

(RECESS.)

DR. GAWLIK: Colonel Neave told me something was not quite clear, so I would like to repeat two questions.

BY DR. GAWLIK:

Q Was the border incident of August, 1939 at Gleiwitz included in the aims of Amp. 3 of the RSHA?

A No.

Q Was the border incident at Gleiwitz in August, 1939 a part of the aims and duties of Amp. 6 andAmp. 7 of the RSHA?

A No.

Q At the border incident at Gleiwitz was Amp. 3 of the RSHA used or parts thereof?

A No.

Q At the border incident at Gleiwitz was Amp. 6 or Amp. 7 of the RSHA, or parts thereof, used?

A No.

Q Were any parts or units of these units, that is Amp. 3 - Amp. 6 - Amp. 7, stationed in the area of Gleiwitz, were they used for this incident?

A No.

Q Were you given the jobo of the foreign incident at Gleiwitz because you belonged to Amt VI and your activities there?

A No.

Q What were the reasons or the cause of which you were asked to do this?

A Heydrich knew me personally for several years and Heydrich asked me to be in charge, chose me to be in charge of this job, probably in the same way that commandos on the Allied side were chosen for certain jobs.

Q Would you have also received this job if you had not belonged to Amt VI or had even not belonged to the SS?

COLONEL BROOKHART: I object to that, your Honor -- "Would you have received the job if you had not, " and so forth.

THE INTERPRETER: "If you had not belonged to Amt VI or if you had not belonged to theSS."

COLONEL BROOKHART: It has been stated that the job was ordered by Heydrich. I submit that the answer calls for what would have gone on in Heydrich's mind which this witness is in no position to state.

COLONEL NEAVE: Will you put the question differently.

DR. GAWLIK: Yes.

BY DR. GAWLIK:

Q Are you of the opinion, after the talk you had with Heydrich at that time, that he would have given you the job even if you had not belonged to Amt VI or the SS?

A I am certain that had Heydrich known it from my time that I was in the navy, I am certain that he would have given me a job like this anyhow. If I would have been in the navy with Heydrich direct and he would have known me from then, I am sure that he would have given me this job anyhow.

COLONEL NEAVE: "I am sure that he would have given me this job anyhow?"

THE WITNESS: Yes. I want to say that this was not a question of organization but rather a question of personal friendship that Heydrich had to me.

COLONEL NEAVE: Well, go on.

BY DR. GAWLIK:

Q What was the chain of command between you and Heydrich in August 1939?

A Well, first there was the Gruppenleiter Amt VI-B, then the chief of Amt VI and then Heydrich.

Q Did you receive the order for this incident through this chain of command?

A No, I received this order for this incident through this chain of command?

A No, I received this order from Heydrich directly and he went past that chain of command. I was also obliged to keep quiet about this case, about this incident to my chiefs and my co-workers. The Amtsleiter, the Chief of Amt VI and my group leader were not informed about this case. I took leave from my office by giving the reason that I had a secret order from Heydrich which I had to carry out.

Q Were the chiefs of Amt III and Amt VII not informed about this either?

A No, nobody else with the exception of the persons that actually took part were informed about this.

Q Had any member of Amt III, VI or VII given you any orders in connectio with this incident?

A No, I answered that question already.

Q Did the men that perpetrated the attack on the radio station in Gleiwitz with you, belong to the SD or Amt III?

A No.

Q This is in opposition to your oath of the 19th of November 1945; in that affidavit, you stated that Heydrich had ordered you to go to Gleiwitz with five or six other SD men. What do you say about this contradiction?

A Under the SD we did not mean any person connected with any of the Amts or offices of the SD but all offices that were under Heydrich -- they were called for short "SD" men. Among them were people that only worked for us at various short times, occasional. What I wanted to bring out in this was that the designation "SD" was an all-around designation with the exception of one.

I got the men from the various sections, men which I considered as trustworthy; for instance, the radio technician whom I needed to put the station into operation for me was neither a member of the SS nor of the SD.

Q Was it openly known that the border incident which was mentioned by Hitler in his speech of the 1st of September 1939, was not perpetrated by Poles but actually by a group of Germans?

A No.

COLONEL BROOKHART: May I have a clarification?

COLONEL NEAVE: What is meant by "openly known and where"?

DR. GAWLIK: Generally.

COLONEL NEAVE: You mean among everybody in Germany or among everybody in particularly?

DR. GAWLIK: Yes, the population of Germany, everybody in Germany.

COLONEL BROOKHART: Is that what the witness understood?

THE WITNESS: Yes, that is what I understood.

BY DR. GAWLIK:

Q Or did the other sections of the Reich Security Office, that is, SD, Amt III and the other sections, were they told of this through some other means?

A No.

Q Did the SD office which was in charge of the area of Gleiwitz as well as the office of Amt III and Amt VI in that area, have any knowledge of your action?

A No, they could not have any.

Q Could you give more explanations to these answers?

COLONEL NEAVE: To this answer or these answers?

THE WITNESS: To the last two answers.

COLONEL NEAVE: To the last two answers?

THE WITNESS: When the war broke out in Germany there was no feeling, no pro-war feeling in Germany, and the reason for this action was to give the German people a feeling, a pro-war feeling against Poland. For that reason, the whole action was done in such a way as to look as if it was done by Poles. If the German people would have found out the actual truth about this case, they would have considered it as a betrayal and the results of that action would have been then just the opposite of what it was planned to be and for that reason, it was forbidden that I would get in contact with any members of the SD in that area or to let anybody know about this action.

BY DR. GAWLIK:

Q Did you talk to anyone about the case or did you tell this action to anybody that wasn't connected with it?

A No.

Q Do you think it possible that the other men that were connected with this incident, talked to anybody about it?

A I don't think so, because anybody that would have talked about it would have endangered his freedom and his life.

Q I will now read to you the sworn affidavit of Dr. Rudolf Mildner, of the 46th of November, 1945. It is document 2479-PS; "In 1941 I served in Kattowitz (Upper Silesia* where I had a conversation with SS Sturmbannfuehrer Oskar Podlich, leader of SD-Leitabschnitt Kattowitz. During the conversation I learned that the incidents on the German-Polish border in Upper Silesia, which officially were used by the Germans for opening of the Polish campaign, were instigated on order by Heydrich and carried out by members of the SD in Beuthen, Hindenburg and Gleiwitz.

"Among these incidents were, as far as I am able to remember, the attack on the German broadcasting station in Gleiwitz, and the attack on the German consulate in Kattowitz.

"The SD members who participated in these incidents were said to have been decorated with the War Service Cross, Second Class."

What do you have to say to this declaration from Dr. Mildner?

COLONEL BROOKHART: Onemoment, please; the witness has already said he knew nothing except concerning the Gleiwitz incident.

COLONEL NEAVE: He did what outside.

COLONEL BROOKHART: He had nothing to do with any of the other incidents I object to his testimony on the matters upon which he doesn't know, under such a general question.

COLONEL NEAVE: He said that he didn't know anything about other incidents; does he, Dr. Gawlik? I am allowing him to give any relevant evidence concerning these incidents if he knows anything about them.

BY DR. GAWLIK:

Q Then I will ask him as follows: What do you have to say about this declaration as far as the attack on the radio station in Gleiwitz is concerned?

A As far as the radio station and the attack on the radio station is concerned, it is not right because after the action, I and my men departed from that area and also none of us, either my men or myself, were decorated for this incident, but I also only can say that for myself and my men.

Q Could this story by Mildner, as far as the Gleiwitz incident was concerned, could that have been originated by men who were or took part in that action?

COLONEL BROOKHART: I am sorry, but I must object to the question based on speculation.

COLONEL NEAVE: Well, he can give his opinion. Colonel Brookhart, he can give his opinion in respect to the Gleiwitz operation, can't he; he took part in it.

COLONEL BROOKHART: Well, in the form of the question, he could have, sir: anthing could have happened, that is true.

COLONEL NEAVE: I understand Dr. Gawlik retracted that question anyway.

BY DR. GAWLIK:

Q On the 30th of November 1945, the witness Lauhousen was questioned.

That is on page 396 of the German protocol. Lahousen, among otherthings, made reports about these border incidents. He stated that he had spoken with a man named Birckel about these cases, in August 1939, after the armistice. The story of Lahousen is as follows according to the German transcripts. I quote. Now, this is a direct quotation: "And the man, whose name was Birckel, told me that it was rather interesting that even in our circles we only heard about this and then only to some extent about this much later -- according to my knowledge -- and this is Birckel's knowledge -- all the men, all the SD who took part in this have been killed." This is page 414 of the German transcript.

COLONEL NEAVE: And the man's name was Birckel; that is a statement of Lahousen?

DR. GAWLIK: That is a statement of Lahousen who is talking about Birckel.

BY DR. GAWLIK:

Q After this statement by Lahousen, one could come to the conclusion that the SD or parts thereof were used for these border incidents. What stand do you take about the sentence which says, "And According to my knowledge . . . all the men of the SD that took part in this operation have been killed."

A There can in this case be only a matter of speculation on the part of the witness, since the fact that I am here proves the opposite, and I never heard at that time that any of the men have been killed.

Q If I understand you right, do you mean to say that the sentence "that all men who took part in this operation were killed" is wrong and the statement that in this case there were members of the SD, because Amt III, VI or VII or parts thereof were not participating in this incident at Gleiwitz; is that the thought of your answer?

A I answered these questions already with "yes."

Q Did you or any of the othermen that helped you in perpetrating this attack touch any Polish territory during this attack?

A No. This attack took place in the center of Gleiwitz the German city.

Q During the attack, were any subjects of Poland wounded or killed?

A No.

Q Were any rights of the Polish state or subjects of the Polish state, were they injured in this attack?

COLONEL BROCKHART: It is objectionable.

DR. GAWLIK: I retract my question.

COLONEL NEAVE: EXcuse me, what happened then?

COLONEL BROOKHART: The question is much too broad, whether or not the witness can answer about any rights of Polish citizens violated.

COLONEL NEAVE: The question is too broad. You can ask if any people were wounded or not; he might know that, but hardly what rights were involved. Is that the correct translation? What is the translation?

THE INTERPRETER: The translation was, whether or not any rights of the Polish state or the rights of the Polish subjects were injured or touched.

COLONEL NEAVE: I expect he can know something regarding the rights of Polish citizens.

COLONEL GRIFFITH JONES: I can cut the whole thingshort. The whole thing is entirely irrelevant.

DR. GAWLIK: One last question.

BY DR. GAWLIK:

Q How far was Gleiwitz from the German-Polish Frontier at that time?

A About 10 kilometers. I want to repeat that the reason for this attack was purely a propaganda matter to make the German people more conscious against Poland.

DR. GAWLIK: No further questions.

COLONEL NEAVE: Who will begin?

CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q You were yourself, were you not, a member of the SS from 1931 to October 1934?

A No, until 1941, from the SS.

Q Well, I will ask you again, were you not a member of the SS from 1931 until the 19th of October 1944?

A Yes.

COLONEL NEAVE: May I interrupt here? I understand that defense counsel Nerke wants to examine this witness. You should have drawn my attention to this before I asked for the prosecution to cross examine.

DR. NERKEL: I thought maybe there would be a separate hearing.

COLONEL NEAVE: We did discuss this matter the other day. We decided to make one transcript. If Colonel Griffith jones doesn't mind, Dr. Nerkel can proceed.

DR. NERKEL: I only have a few questions.

CONTINUED DIRECT EXAMINATION

BY DR. NERKEL:

Q You do know in general the duties and aims of Amt 1V of the Reich Security Office, and the Gestapo?

A Yes.

Q You said before that it was in the scope of none of the Amt or offices of the Reich Security Office to perpetrate such border incidents. Is that also true concerning Amt 1V?

A Yes---No, I do not know of any part of Amt 1V that would have done this kind of work.

Q Were any persons or part of theAmt actually part of the action against the Gleiwitz radio station?

A I already answered that question before; and as far as the Gleitwitz radio station is concerned, the answer is "no"

Q According to your sworn affidavit, you stated that you were a witness to a conversation between Mr. Mueller and Mehlborn (?). which indicates that Mueller took part in some of these actions, some of these incidents. Isn't that not a contradiction to your answer?

A I believe that is the chain of command, Amt lV was about the same as in Amt 111 and V1 and that incident like this, as far as Mueller was concerned, it only concerned persons who did this through contact with the higher office. I can say that because from conversations with Heydrick. I found out that he did not trust the offices, the men of the Gestapo entirely as far as keeping things like this secret.

Q Did any of the men that aided you in this attack on the Gleiwitz radio station, belong to the Gestapo?

A No, none.

Q Was this order for the action against the Gleitwitz radio given to you by Heydrich in written form or just through a personal conversation?

A Only through a conversation.

Q Otherwise no other written documents were made concerning this action?

A No, I saw no documents of that kind.

Q To whom did you report this successful attack?

A I personally went to Heydrich and reported to him.

Q With that, this case was finished as far as you were concerned?

A Yes.

DR. NERKEL. Thank you.

COLONEL NEAVE: Thank you, Dr. Nerkel. All right, Colonel Griffith Jones.

CONTINUED CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q I will ask you again, were you a member of the SS from 1931 until October 1944?

A Yes.

Q And were you a member of the SD from 1934 until January 1941?

A Yes. May I say something here?

Q Well, you can state it shortly. And from February 1941 until the middle of 1942, were you a member of the Waffen SS?

A Yes.

Q You have told us that you were selected for this operation because Heydrich had known you personally for some time.

A Yes, long years, many years.

Q Was it because the work you had been doing as a member of the SS and SD, so that you were particularly suitable for the type of work which was required for Gleiwitz?

A The answer for this question is very hard. I did not do any cases like that before. It was more a matter of personal trust on the part of Heydrich that he gave me this job.

Q Would it be right to say that as a result of the work you had done in the SS and SD, he had confidence in you for the work of that kind for Gleiwitz?

A He had trust in my person or confidence in my person.

Q Now. I understand you to say that none of the men who took part in this operation with you were members of the SD; is that Correct?

A I did not say that.

Q Did you in fact have members with you, of the SD, taking part in this operation?

A Yes, if you take the all-around view of SD men, yes, I had some with me.

Q Well, I want to be quite clear. Is there any possible view that you could take about the men that were with you?

A There is, on the one hand, an SS formation called the "SD" and they were carried in their personal files -- they carried them in the personal files of the SD; it is the SS formation, SD.

Q But I am right, then, in saying that you could not possibly exclude these men as anything other than members of the SD?

A I received the order from Heydrich together with five or six SD men for Gleiwitz and in that idea of Heydrich and under the SD, SD meant any person whom you can trust politically. It was enough that this person has one time or another given the report to the SD and further on would not work for the SD any more. I said before that the radio technician did not belong to the SS or SD or, as mentioned before, did not belong to either one of these organizations.

Q I want to be quite clear about it and I wish you would answer me shortly. I have here no less than three documents which you have signed, in which you say: "I was directed to go to Gleiwitz with five or six other SD men."

A What I wanted to say in that signed affidavit was that I was told to get five or six men to perpetrate this attack with and where I will get these men was entirely left up to me and it is natural that Heydrich mentioned the words "SD men" in giving me this order.

Q Will you look at PS-2751, US-482, and you see that that is the affidavit which you signed on the 20th of November.

A Yes.

Q Do you see that in the course of that affidavit, there on the first page, one correction has been made in English?

A Yes.

Q And it has been initialed by you?

A Yes.

Q Did you point out that mistake yourself?

A Yes.

Q Will you turn over the page. You see on that page that there are two spelling mistakes which have been corrected and initialed by yourself?

A Yes.

Q Were those errors pointed out by you?

A Yes.

Q Will you look at this document. Is that another copy of the same affidavit, also signed by yourself and also corrected by yourself?

A Yes.

Q Do you remember that in addition to these documents, you signed another affidavit on the 7th of November?

A Yes.

Q And it was handed to you, I think, or you swore it before Colonel Brookhart during the course of an interrogation on that day.

A Yes.

Q Do you remember that the document was submitted to you, examined by you, and that after making changes in it, you signed it?

A Yes.

Q And I quote from the copy of the transcript of the interrogation, during that part of the interrogation when Colonel Brookhart was reading out the affidavit to you aloud --

A Yes.

Q -- and did you include this sentence in the affidavit: "I and other SD agents were in civilian clothes."

A For the majority I was right, but I cannot say that they all belonged to the SD.

Q Will you please just wait until I ask you a question. Can you tell me why it was that in those three documents which you have taken considerable care to check and have read over and had had read over to you, you failed to correct the error in the description of the SD men?

A Because evidently there is a big difference between what I consider

Q Did you point out that mistake yourself?

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Q Will you please just wait until I ask you a question. Can you tell me why it was that in those three documents which you have taken considerable care to check and have read over and had had read over to you, you failed to correct the error in the description of the SD men?

A Because evidently there is a big difference between what I consider an SD man and what the Court considers an SD man.

Q Let me then ask you this: When did you realize that there was such a difference between what you call an "SD" man and the Court?

A I realized it when the organization as such was given the blame concerning this action.

Q Did you come to this idea of describing these men that were with you, did you think of that yourself?

A It is my opinion that it would have been enough if I at that time would have said that I was told to go to Gleiwitz with five or six other trustworthy men.

Q Yes, but what I want to understand now is, what has led to your coming before this Commission and telling this story which is different to wh you put down in your affidavit on the 20th of November?

A Because,in my opinion, I think the idea of an SD man was at that ti any person whom I could trust. I never wanted to say about this, that this man is a man of Amt III or Amt IV or Amt VII of the SD.

Q Yes, but hasn't anybody pointed out to you the error that you made? Is this all your own idea that you should come here and tell this story today'

A I realized, when I saw the statement of the prosecution in which my statement was interpreted, I realized for the first time that there was some mistake there, that my action had been connected with the SD.

Q And where did you see the statement of the prosecution?

A It went around all over where we are.

COLONEL NEAVE: When you say "the statement of the prosecution," what do you mean by that?

BY COLONEL GRIFFITH JONES:

Q. What do you mean by the statement, did you see a written statement of the prosecution?

COLONEL NEAVE: He said "a written statement of the prosecution."

THE WITNESS: Yes, I saw it.

BY COLONEL GRIFFITH JONES:

Q. Where were you when you saw that?

A. In the witness wing of the prison.

Q. And who showed you the written copy of the prosecution's statement?

A. I don't remember but the statement of the prosecution was read by everybody.

COLONEL NEAVE: The translation of "anklageschrift" might be the indictment. Are we talking about the indictment or a statement of the prosecution?

THE INTERPRETER: The indictment in which the statement is included.

COLONEL NEAVE: That is what is meant.

BY COLONEL GRIFFITH JONES:

Q. What kind of document was it that you saw, was it a thick document or a thin document?

A. 'The witness indicated)

Q. In German or in English?

A. German.

Q. Printed or mimeographed?

A. It was written by a typewriter.

Q. How did you come to see that document in prison here, who brought it down here?

A. That, I cannot say.

COLONEL NEAVE: Dr. Gawlik.

DR. GAWLIK: The defense was permitted and received permission for that.

COLONEL NEAVE: To do what? You are talking about the trial brief. I think you ought to be clear on what document you are talking about. Are you talking about a trial brief?

DR. GAWLIK: Yes.

COLONEL GRIFFITH JONES: Yes.

DR. GAWLIK: All the trial briefs and the other documents were sent to the prison with permission of the General Secretary.

COLONEL NEAVE: All the documents? What do you mean by all the documents'

DR. GARLIK: The speech of Mr. Justice Jackson, for instance.

COLONEL NEAVE: What else, do you mean any others?

DR. GAWLIK: On the 13th of March, that document was sent down to him.

COLONEL NEAVE: All right.

DR. GAWLIK: Permission was given by Room 37.

COLONEL NEAVE: I think you might like to clarify this by discussion with the German section office. Certain documents were delivered. Particularly what you are talking about sounds to me as if it is the indictment.

COLONEL GRIFFITH JONES: No, it is the trial brief.

BY COLONEL GRIFFITH JONES:

Q. Did I understand that this was shown you in theprison here; is that correct?

A. Yes.

Q. The prison attached to the Court House in Nurnberg?

A. Yes.

COLONEL GRIFFITH JONES: It is getting late. Perhaps we might adjourn.

COLONEL I think we might adjourn now.

COLONEL GRIFFITH JONES: May I make a request before we adjourn, that until the witness appears here in the morning, he be allowed no conversation with any one other than prison guards.

COLONEL NEAVE: Well, I don't know -- not with his counsel?

COLONEL GRIFFITH JONES: I think it is a perfectly proper question and in our own Courts in England it would be wholly improper for counsel, who has called a witness, to discuss questions with him while that witness is under cross examination.

COLONEL NEAVE: Do you have any comment on that, Dr. Gawlik?

DR. GAWLIK: No, I haven't.

COLONEL NEAVE: That is a perfectly proper rule. The next witness be called on the list is Obersturmbannfuehrer Hoeppner but I understand that the Gestapo would prefer to call Sommann.

DR. GAWLIK: Yes.

COLONEL NEAVE: That is right, Sommann for the next witness.

DR. MERKEL: Yes, that is right.

COLONEL NEAVE: All right. The Commission will sit again at ten o'clock Monday morning.

(The Commission adjourned at 1720 hours.)

The foregoing is a true and correct transcript of the testimony of ALFRED HELMUT NAUJOOKS, taken on 23 May 1946.

Alice Meehan
Reporter

S. K. Sawlaw
Reporter

Reporter

CERTIFIED TO:

A. M. S. Neave
Commissioner

Commissioner